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March 21, 2017

By ECF

Honorable Robert M. Levy
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Government Employees Ins. Co., et al. v. Jacobson, et al.*
Docket No. 15-cv-7236 (ERK)(RML)
RR File No.: 005100-01007

Dear Magistrate Judge Levy:

Pursuant to Your Honor's Individual Rules 2(E), this letter serves as the Parties' joint request for an extension of the deadline to complete fact and expert discovery. See February 7, 2017 Docket Entry.

The current deadline to complete factual discovery is April 20, 2017 and expert discovery is scheduled to be completed by July 24, 2017. The Parties respectfully request an extension of time to complete: (i) fact discovery by June 20, 2017; and (ii) expert discovery by September 25, 2017.

This is the third request to extend the time to complete fact and expert discovery. This joint application is made along with Nicholas Bowers, Esq., counsel for Bruce Jacobson, D.C., BMJ Chiropractic, P.C., NJ Pain Treatment, P.C., Jacobson Chiropractic, P.C., Dr. Bruce Jacobson DC, P.C., and NJ Neuro & Pain, P.C. (collectively the "Jacobson Defendants").

Howard Foster, Esq., counsel for Gerlando Zambuto, Diana Beynin, Peter Albis, and J.D. Park (collectively the "Treating Defendants") – who is admitted in this case pro hac vice – has refused to provide consent. Mr. Foster is also co-counsel on behalf of Bruce Jacobson, D.C., BMJ Chiropractic, P.C., NJ Pain Treatment, P.C., Jacobson Chiropractic, P.C., Dr. Bruce Jacobson DC, P.C., and NJ Neuro & Pain, P.C.

To date, the Treating Defendants have failed to provide any responses to GEICO's Interrogatories or any of the documents demanded in GEICO's Requests for Production of Documents, including extensive financial and employment records that are central to the issues of this case. In fact, the Treating Defendants' depositions, which were originally scheduled for March 21, 2017 and March 22, 2017, had

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to be postponed due to the Treating Defendants' utter failure to meaningfully participate in the discovery process. Plaintiffs have been working, in good faith, to resolve these discovery issues with the Treating Defendants, and are hopeful that said issues can be resolved without motion practice. However, at the time of this filing, the Treating Defendants have not provided any documentation or responses to GEICO's Interrogatories. Conversely, Plaintiffs and the Jacobson Defendants have been working in good faith to meet the Court's discovery deadlines. To date, the parties have exchanged voluminous written documentation on a rolling basis with the full expectation that continued productions, from both sides, will continue to be made in the upcoming weeks. GEICO and the Jacobson Defendants anticipate that this will be the last request for an extension of the discovery deadlines.

Given the sheer volume of written documentation that is still subject to production, including all of the documentation the Treating Defendants have failed to produce, Plaintiffs and the Jacobson Defendants request the within extension so that the Parties may properly evaluate the written documentation produced prior to conducting party depositions. In addition, given the multiple parties that need to be deposed, the within extension is necessary in order to provide enough time to complete all depositions.

We thank the Court for its consideration of this request.

Respectfully submitted,

RIVKIN RADLER LLP

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cc: All counsel via ECF